

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 05, 2025

SEAN F. MCAVOY, CLERK

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

GINO L.,¹

Plaintiff,

vs.

LELAND DUDEK, ACTING
COMMISSIONER OF SOCIAL
SECURITY,²

Defendant.

No. 1:24-cv-03145-RHW

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g) AND CLOSING FILE**

ECF Nos. 7, 11

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 11, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. §

¹ To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

² Pursuant to Federal Rule of Civil Procedure 25(d), Leland Dudek, Acting Commissioner of Social Security, is substituted as the named Defendant.

405(g). Attorney D. James Tree represents Plaintiff. Attorney Michael Mullen represents Defendant.

After consideration, **IT IS HEREBY ORDERED** that:

1. The parties' Stipulated Motion for Remand, **ECF No. 11**, is **GRANTED**.

2. The above-captioned case be **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g).

The parties have stipulated to the following instructions. On remand, the Appeals Council shall assign the matter to a new Administrative Law Judge and instruct the new ALJ to:

- Conduct the remand proceedings consistent with agency policy, including Hearings, Appeals, and Litigation Law Manual (HALLEX) I-4-5-5;
- Further develop the record, as necessary;
- Offer Plaintiff another administrative hearing;
- Reevaluate the evidence;
- Reevaluate the severity of Plaintiff's great saphenous vein venous reflux of both legs;
- Continue the sequential evaluation, as necessary; and
- Issue a new decision.

1 See ECF No. 11 at 1-2.

2 3. Judgment shall be entered for **PLAINTIFF**.

3 4. Plaintiff's Motion for Summary Judgment, **ECF No. 7**, is
4 **STRICKEN AS MOOT**.

5 5. Upon proper presentation, the Court will consider Plaintiff's
6 application for fees and expenses under the Equal Access to Justice Act, 28 U.S.C.
7 § 2412(d).

8 6. The District Court Executive is directed to update the docket sheet to
9 reflect the substitution of Leland Dudek, Acting Commissioner of Social Security,
10 as Defendant.

11 The District Court Executive is directed to enter this Order, **enter Judgment**
12 **in favor of Plaintiff**, forward copies to counsel, and **CLOSE THE FILE**.

13 DATED March 5, 2025.

14 s/Robert H. Whaley
15 ROBERT H. WHALEY
16 Senior United States District Judge
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